UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,650	07/23/2001	Romelia Flores	BOC9-2000-0081-216	3595

7590 10/06/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2191	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/911,650	FLORES ET AL.
Office Action Summary	Examiner	Art Unit
	Mulubrhan T. Tecklu	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*23 July 2001*</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐· Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>*23 July 2001*</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to the application filed on 07/23/2001

2.   Claims 1- 13 have been examined.

Oath/Declaration

3.   The office acknowledges receipt of a properly signed oath/declaration filed on
07/23/2001.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for
failing to particularly point out and distinctly claim the subject matter which applicant regards as
the invention.

        Claim 12 recites the limitation "the execution sequences" in lines 4-5. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign
>
> country or in public use or on sale in this country, more than one year prior to the date of
>
> application for patent in the United States.

7.   Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Saw et al. (US 5345450).

<u>Per Claim 1</u>

        Saw discloses:

        A method for eliminating redundancy among multiple execution sequences during workload simulation of an e-business application (in column 3, lines 26-35 "... redundant input vectors being eliminated..."), the method comprising:

        creating a workload reference object comprising a plurality of reference command objects (in column 2, lines 66-69 and in column 3, lines 1-5 "... generating sufficient simulation data...");

        copying selected ones of said reference command objects in response to a work request to process a workload (in column 3, lines 45-49 "... duplicating..."); and

        assembling said copied referenced command objects to create said workload in response to said work request (in column 2, lines 40-45 "... tabulated and corresponding ..." and e.g. FIG. 8b and related text).

<u>Per claim 2</u>

        Saw discloses:

        The method according to claim 1, wherein said creating step further comprises parsing workload configuration data stored in a workload configuration file to create a master workload (in column 3, lines 45-49 "... forming an expanded set ...").

<u>Per claim 3</u>

        Saw discloses:

        The method according to claim 2, further comprising executing said assembled command objects (in column 4, lines 60-65 "... will be executed...").

<u>Per claim 4</u>

Saw discloses:

The method according to claim 3, further comprising:

modifying said workload configuration data in response to a request to add a new command (in column 7, lines 38-45 "... modified sequence...");

creating said workload reference object using said modified workload configuration data (in column 2, lines 66-69 and in column 3, lines 1-5 "... generating sufficient simulation data..."); and

assembling said created workload reference object to create a workload executable (in column 2, lines 40-45 "... tabulated and corresponding ..." and e.g. FIG. 8b and related text).

<u>Per claim 5</u>

Saw discloses:

A method for eliminating redundancy among multiple execution sequences during workload simulation on an e-business application server, the method comprising:

creating a command pattern for commands that recur in the execution sequences (e.g. FIG. 3 and related text);

building a reference workload using said created command pattern (in column 2, lines 66-69 and in column 3, lines 1-5 "... generating sufficient simulation data...");

copying commands in said reference workload in response to a work request (in column 3, lines 45-49 "... duplicating..."); and

executing said copied commands (in column 4, lines 60-65 "... will be executed...").

<u>Per claim 6</u>

Saw discloses:

A method for eliminating redundancy among multiple execution sequences during workload simulation on an e-business application server, the method comprising:

instantiating an invoker object, said invoker object instantiating a plurality of command objects, said commands objects for executing specific commands (e.g. FIG. 7 step 1040 and related text);

assembling said command objects to create a workload executable (in column 2, lines 40-45 "... tabulated and corresponding ..." and e.g. FIG. 8b and related text); and

executing said workload executable (in column 4, lines 60-65 "... will be executed...").

Per claim 7

Saw discloses:

A system for eliminating redundancy among multiple execution sequences during workload simulation on a e-business application server, comprising:

an executable workload object (in Abstract "... input vectors...");

an invoker object for manipulating said executable workload object, said invoker instantiating and assembling command objects to create said executable workload object (in column 2, lines 40-45 "... tabulated and corresponding ..." and e.g. FIG. 8b and related text); and

a master workload object having rules for instantiating and assembling said command objects (in column 3, lines 45-49 "... forming an expanded set ...").

Per claim 8

This is the machine readable storage version of the claimed method discussed above (Claim 1), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Saw.

Per claim 9

This is the machine readable storage version of the claimed method discussed above (Claim 2), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Saw.

<u>Per claim 10</u>

This is the machine readable storage version of the claimed method discussed above (Claim 3), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Saw.

<u>Per claim 11</u>

This is the machine readable storage version of the claimed method discussed above (Claim 4), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Saw.

<u>Per claim 12</u>

Saw discloses:

A machine readable storage having stored thereon, a computer program having a plurality of code sections, said code sections executable by a machine for causing the machine to perform the steps of:

creating a command pattern for commands that recur in the execution sequences, said creating step for eliminating redundancy among multiple execution sequences during workload simulation on an e-business application server (in column 8, lines 20-30 "... forming a subset ...");

building a reference workload using said created command pattern (e.g. FIG. 4 and related text);

copying commands in said reference workload in response to a work request (in column 3, lines 45-49 "... duplicating..."); and

executing said copied commands (in column 4, lines 60-65 "... will be executed...").

Per claim 13

Saw discloses:

A machine readable storage having stored thereon, a computer program
having a plurality of code sections, said code sections executable by a machine
for causing the machine to perform the steps of:

instantiating an invoker object, said invoker object instantiating a plurality of command
objects, said commands objects for executing specific commands; said instantiating step for
eliminating redundancy among multiple execution sequences during workload simulation on an
e-business application server (e.g. FIG. 7 step 1040 and related text);

assembling said command objects to create a workload executable (in column 2, lines 40-
45 "... tabulated and corresponding ..." and e.g. FIG. 8b and related text); and

executing said workload executable (in FIG. 7, step 1040 set of input vectors is generated
for simulation).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Mulubrhan T. Tecklu whose telephone number is (571) 272-
7957. The examiner can normally be reached on M-TH 9:30A-8: 00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the
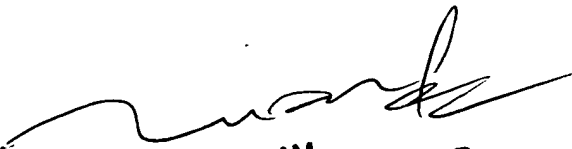organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mt

TUAN DAM
SUPERVISORY PATENT EXAMINER